

REMARKS

The Office Action mailed September 6, 2006 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-2, 6-9, and 12 are pending. Claims 1-2, 6-9, and 12 stand rejected. Claims 1, 2, and 6 stand objected. Claims 10, 11, and 13-21 have been cancelled.

The objection to Claims 1, 2, and 6 due to an informality is respectfully traversed. Claim 1 is amended to correctly recite "sell" in line 5. Claims 2 and 6 are objected to for their dependency on Claim 1. For at least the reasons set forth above, Applicant respectfully requests that the objection to Claims 1, 2, and 6 be withdrawn.

The assertion that the Declaration Under 37 CFR 1.131 is ineffective to overcome Brodersen et al. (U.S. Patent Application Publication 2002/0065764) ("Brodersen") is respectfully traversed.

Applicant submitted a Declaration In Support of Patentability including a copy of an Invention Disclosure on September 6, 2005. The Information Disclosure was signed and completed by Applicant on December 6, 1999 and witnessed by a fellow employee Thomas A. Miller on the same day. Therefore, Applicant respectfully submits that conception of the invention was at least shown on December 6, 1999, which is evidenced by the Invention Disclosure. The Office Action acknowledges that Applicant has established "conception of the invention" prior to the December 17, 1999 effective filing date of Brodersen. However, the Office Action asserts that Applicant has not established due diligence. Applicants respectfully disagree.

MPEP 2138.06 states:

The critical period for diligence for a first conceiver but second reducer begins not at the time of conception of the first conceiver but just prior to the entry in the field of the party who was first to reduce to practice and continues until the first conceiver reduces to practice. *Hull v. Davenport*, 90 F.2d 103, 105, 33 USPQ 506, 508 (CCPA 1937).

The period during which diligence is required must be accounted for by either affirmative acts or acceptable excuses. *Rebstock v. Flouret*, 191 USPQ 342, 345 (Bd. Pat. Inter. 1975);

Rieser v. Williams, 225 F.2d 419, 423, 118 USPQ 96, 100 (CCPA 1958).

The work relied upon to show reasonable diligence must be directly related to the reduction to practice of the invention in issue. *Naber v. Cricchi*, 567 F.2d 382, 384, 196 USPQ 294, 296 (CCPA 1977), cert. denied, 439 U.S. 826 (1978).

As evidenced by the Declaration In Support of Patentability, Applicant diligently worked to reduce the invention to practice from at least December 6, 1999 to Applicants' constructive reduction to practice on the March 10, 2000 filing date of the Non-Provisional Application. Moreover, Applicant states in Paragraph 8 of the DECLARATION IN SUPPORT OF PATENTABILITY that "[o]n information and belief, the invention disclosure letter was promptly reviewed by the GE Legal Department and sent to outside counsel for preparation of the '079 application, and the application was promptly prepared and filed on March 10, 2000." Moreover, A-1 of Exhibit A from the Declaration shows the Invention Disclosure. In the top right hand corner, a box labeled "For Legal Operation Use Only" shows a docket number "13DV13466" and a date opened as "Jan. 7, 2000." January 7, 2000 is one day after two witnesses signed the Invention Disclosure. Furthermore, this docket number is the same Attorney Docket Number used with the PTO regarding this application. The Application was filed approximately two months later on March 10, 2000. As such, Applicant has shown reasonable diligence that is directly related to the reduction to practice of the invention.

For at least the reasons set forth above, Applicant respectfully requests that the assertion that the Declaration Under 37 CFR 1.131 is ineffective to overcome Brodersen be withdrawn.

The rejection of Claims 1-2, 6-9, and 12 under 35 U.S.C. § 102(e) as being anticipated by Brodersen is respectfully traversed.

The Office Action asserts that Brodersen describes all features recited in Claim 1. Specifically, the Office Action merely recites the language of Claim 1 in making such an assertion. However, the Office Action has not pointed to any features and/or portions of Brodersen that support such assertion. More specifically, the Office Action has not identified which features of Brodersen are considered to correspond to specific elements recited in Claim 1. As such, if the Examiner continues to rely on this reference to reject the claimed

invention, Applicant respectfully requests a detailed citation, including page and line number, etc., of the portion of the reference being relied on for describing each specific element recited in the claims to provide Applicant with the opportunity to more thoroughly to the rejection.

Brodersen describes a computerized system and method for marketing components or services. Brodersen describes that the method is preferably implemented in software and embodied in an online web-based system for marketing new and used parts or services. A customer's part request including part criteria is received electronically via the internet by a single primary part supplier that determines whether the requested part is available. If the system identifies a part in the primary part supplier's inventory that meets the customer's criteria, then the part is offered to the customer. If the system does not identify a part in the primary part supplier's inventory that meets the customer's criteria, then the primary part supplier can initiate a reverse auction among secondary suppliers to obtain an acceptable part. Notably, the reverse auction may be initiated after the failure to provide an acceptable part from the primary supplier's inventory. Moreover, the inventories of the secondary suppliers are not part of the primary supplier's inventory when the determination of requested part availability is initially made by the system in response to the customer's part request.

Claim 1 recites a network-based parts distribution system comprising "a plurality of buyer computers for operation by a system participant desiring to obtain one or more parts . . . a plurality of seller computers for operation by a system participant desiring to sell one or more parts . . . at least one server computer, wherein said buyer computers, said seller computers and said server computer are interconnected as a computer network, said server computer being programmed to receive part related data from said seller computers and use said data to maintain a database of all available parts and to receive part requests from said buyer computers, said at least one server computer is programmed to determine whether a part requested from a requesting computer of said buyer computers is available within said database . . . if said requested part is available, said server computer is programmed to select one or more parts from said database in response to said part request and send a message to said requesting buyer computer . . . if said requested part is unavailable, said server computer is programmed to end a selection process . . . wherein said parts in said database are sorted into a plurality of inventory categories, and wherein said parts in at least one of said

inventory categories are further sorted into a plurality of sub-inventory categories based upon part condition . . . a signed master agreement between said system participants, said master agreement determining aspects of transactions before participation by a system participant commences . . . said server computer configured to relay a purchase order consistent with said—transaction aspects determined by said master agreement wherein each system participant of a plurality of system participants is able to buy and sell parts.”

Brodersen does not describe nor suggest a network-based parts distribution system as recited in Claim 1. Specifically, Brodersen does not describe nor suggest a network-based parts distribution system including at least one server computer programmed to determine whether a part requested from a requesting computer of buyer computers is available within the database such that if said requested part is available, the server computer is programmed to select one or more parts from the database in response to the part request and send a message to the requesting buyer computer and if the requested part is unavailable, the server computer is programmed to end a selection process. Also, Brodersen does not describe or suggest a signed master agreement between system participants, where the master agreement determines aspects of transactions before participation by a system participant commences. Brodersen also does not describe nor suggest that the server computer is configured to relay a purchase order consistent with those aspects determined by the master agreement. Lastly, Brodersen does not describe nor suggest that each system participant of a plurality of system participants is able to buy and sell parts.

Rather, in contrast to the present invention, Brodersen describes a computerized method for marketing parts that includes a customer, a primary supplier, and secondary suppliers. If the requested part is not available in the primary supplier’s inventory, the primary supplier then conducts a reverse auction with secondary suppliers to determine if the secondary suppliers have the requested part. As such, Brodersen does not describe nor suggest all of the claimed elements of the present invention. Accordingly, Claim 1 is submitted to be patentable over Brodersen.

Claims 2 and 6 depend directly from independent Claim 1. When the recitations of Claims 2 and 6 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2 and 6 likewise are patentable over Brodersen.

Claim 7 recites a “method of distributing parts, said method comprising the steps of: obtaining an agreement from each system participant of a plurality of system participants, to join in a network-based, automated virtual warehouse parts distribution system, said agreements determining aspects of transactions before participation by a system participant commences, each system participant of a plurality of system participants is able to buy and sell parts . . . providing a plurality of buyer computers for operation by a system participant desiring to obtain one or more parts . . . providing a plurality of seller computers for operation by a system participant desiring to sell one or more parts . . . providing at least one server computer, wherein said buyer computers, said seller computers and said server computer are interconnected as a computer network . . . using said seller computers to input part related data to said server computer . . . using said data to maintain a database of all available parts, said step of maintaining said database including sorting said parts in said database into a plurality of inventory categories, wherein said parts in at least one of said inventory categories are further sorted into a plurality of sub-inventory categories based upon part condition . . . using said buyer computers to transmit part requests to said server computer . . . and using said at least one server computer to determine whether a part requested from a requesting computer of said buyer computers is available within said database . . . if said requested part is available, said server selecting one or more parts from said database in response to said part request and sending a message to said requesting buyer computer . . . if said requested part is unavailable, said server ending a selection process.”

Brodersen does not describe nor suggest a method of distributing parts as recited in Claim 7. Specifically, Brodersen does not describe nor suggest a method of distributing parts including using at least one server computer to determine whether a part requested from a requesting computer of buyer computers is available within the database such that if the requested part is available, the server selecting one or more parts from the database in response to the part request and sending a message to the requesting buyer computer and if the requested part is unavailable, the server ending a selection process. Also, Brodersen does not describe or suggest obtaining an agreement from each system participant of a plurality of system participants, to join in a network-based, automated virtual warehouse parts distribution system, where the agreements determine aspects of transactions before participation by a system participant commences. Brodersen also does not describe nor

suggest that each system participant of a plurality of system participants is able to buy and sell parts.

Rather, in contrast to the present invention, Brodersen describes a computerized method for marketing parts that includes a customer, a primary supplier, and secondary suppliers. If the requested part is not available in the primary supplier's inventory, the primary supplier then conducts a reverse auction with secondary suppliers to determine if the secondary suppliers have the requested part. As such, Brodersen does not describe nor suggest all of the claimed elements of the present invention. Accordingly, Claim 7 is submitted to be patentable over Brodersen.

Claims 8, 9, and 12 depend directly from independent Claim 7. When the recitations of Claims 8, 9, and 12 are considered in combination with the recitations of Claim 7, Applicants submit that dependent Claims 8, 9, and 12 likewise are patentable over Brodersen.

For at least the reasons set forth above, Applicants respectfully request that the Section 102(e) rejection of Claims 1-2, 6-9, and 12 be withdrawn.

The rejection of Claims 1-2, 6-9, and 12 under 35 U.S.C. § 102(b) as being anticipated by Woolston (U.S. Patent 5,845,265) ("Woolston") is respectfully traversed.

The Office Action asserts that Woolston describes all features recited in Claim 1. Specifically, the Office Action merely recites the language of Claim 1 in making such an assertion. However, the Office Action has not pointed to any features and/or portions of Woolston that support such assertion. More specifically, the Office Action has not identified which features of Woolston are considered to correspond to specific elements recited in Claim 1. As such, if the Examiner continues to rely on this reference to reject the claimed invention, Applicant respectfully requests a detailed citation, including page and line number, etc., of the portion of the reference being relied on for describing each specific element recited in the claims to provide Applicant with the opportunity to more thoroughly to the rejection.

Woolston describes a consignment node including four modes of operation that includes a software download mode, an auction mode, an agent mode, and a market mode. Because a plurality of participants buy and sell on the consignment node, the consignment

node may establish a market or become a market maker. Woolston describes that a consignment node operator/user establishes a consignment node by creating a database of goods, each good having a data record. In the market mode (110), a buyer participant may electronically log onto a consignment node and enter a browse node to peruse the consignments node database of goods in a market (450). The buyer participant may elect to buy or make an offer to buy a good.

In the agent mode (112), Woolston describes that the buyer participant may invoke a consignment node Agent within a first consignment node to search a plurality of consignment nodes. More specifically, the buyer participant fills in search parameters for a good requested. Based on the search parameters, the Agent then checks a list of other consignment nodes network addresses, which is kept in the database of the first consignment node. The Agent communicates with the other consignment nodes to see if the other nodes have the requested good. Notably, the inventories of the other consignment nodes are not part of the first consignment node's database when the determination of requested good availability is made in response to the customer's part request.

Claim 1 recites a network-based parts distribution system comprising "a plurality of buyer computers for operation by a system participant desiring to obtain one or more parts . . . a plurality of seller computers for operation by a system participant desiring to sell one or more parts . . . at least one server computer, wherein said buyer computers, said seller computers and said server computer are interconnected as a computer network, said server computer being programmed to receive part related data from said seller computers and use said data to maintain a database of all available parts and to receive part requests from said buyer computers, said at least one server computer is programmed to determine whether a part requested from a requesting computer of said buyer computers is available within said database . . . if said requested part is available, said server computer is programmed to select one or more parts from said database in response to said part request and send a message to said requesting buyer computer . . . if said requested part is unavailable, said server computer is programmed to end a selection process . . . wherein said parts in said database are sorted into a plurality of inventory categories, and wherein said parts in at least one of said inventory categories are further sorted into a plurality of sub-inventory categories based upon part condition . . . a signed master agreement between said system participants, said master

agreement determining aspects of transactions before participation by a system participant commences . . . said server computer configured to relay a purchase order consistent with said—transaction aspects determined by said master agreement wherein each system participant of a plurality of system participants is able to buy and sell parts.”

Woolston does not describe nor suggest a network-based parts distribution system as recited in Claim 1. Specifically, Woolston does not describe nor suggest a network-based parts distribution system including at least one server computer being programmed to determine whether a part requested from a requesting computer of buyer computers is available within the database such that if said requested part is available, the server computer is programmed to select one or more parts from the database in response to the part request and send a message to the requesting buyer computer and if the requested part is unavailable, the server computer is programmed to end a selection process. Rather, in contrast to the present invention, Woolston describes a consignment node where the buyer participant may elect to buy or make an offer to buy a good. Moreover, Woolston describes that the buyer participant may invoke a consignment node Agent within a first consignment node to search a plurality of consignment nodes having inventories that are not part of the first consignment node’s database when the determination of requested good availability is made in response to the customer’s part request. As such, Woolston does not describe nor suggest all of the claimed elements of the present invention. Accordingly, Claim 1 is submitted to be patentable over Woolston.

Claims 2 and 6 depend directly from independent Claim 1. When the recitations of Claims 2 and 6 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2 and 6 likewise are patentable over Brodersen.

Claim 7 recites a “method of distributing parts, said method comprising the steps of: obtaining an agreement from each system participant of a plurality of system participants, to join in a network-based, automated virtual warehouse parts distribution system, said agreements determining aspects of transactions before participation by a system participant commences, each system participant of a plurality of system participants is able to buy and sell parts . . . providing a plurality of buyer computers for operation by a system participant desiring to obtain one or more parts . . . providing a plurality of seller computers for operation

by a system participant desiring to sell one or more parts . . . providing at least one server computer, wherein said buyer computers, said seller computers and said server computer are interconnected as a computer network . . . using said seller computers to input part related data to said server computer . . . using said data to maintain a database of all available parts, said step of maintaining said database including sorting said parts in said database into a plurality of inventory categories, wherein said parts in at least one of said inventory categories are further sorted into a plurality of sub-inventory categories based upon part condition . . . using said buyer computers to transmit part requests to said server computer . . . and using said at least one server computer to determine whether a part requested from a requesting computer of said buyer computers is available within said database . . . if said requested part is available, said server selecting one or more parts from said database in response to said part request and sending a message to said requesting buyer computer . . . if said requested part is unavailable, said server ending a selection process.”

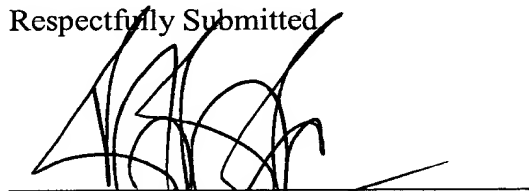
Woolston does not describe nor suggest a method of distributing parts as recited in Claim 7. Specifically, Woolston does not describe nor suggest a method of distributing parts including using at least one server computer to determine whether a part requested from a requesting computer of buyer computers is available within the database such that if the requested part is available, the server selecting one or more parts from the database in response to the part request and sending a message to the requesting buyer computer and if the requested part is unavailable, the server ending a selection process. Rather, in contrast to the present invention, Woolston describes a consignment node where the buyer participant may elect to buy or make an offer to buy a good. Moreover, Woolston describes that the buyer participant may invoke a consignment node Agent within a first consignment node to search a plurality of consignment nodes having inventories that are not part of the first consignment node’s database when the determination of requested good availability is made in response to the customer’s part request. As such, Woolston does not describe nor suggest all of the claimed elements of the present invention. Accordingly, Claim 7 is submitted to be patentable over Woolston.

Claims 8, 9, and 12 depend directly from independent Claim 7. When the recitations of Claims 8, 9, and 12 are considered in combination with the recitations of Claim 7, Applicants submit that dependent Claims 8, 9, and 12 likewise are patentable over Woolston.

For at least the reasons set forth above, Applicants respectfully request that the Section 102(b) rejection of Claims 1-2, 6-9, and 12 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted

A large, stylized handwritten signature in black ink, appearing to read 'R. B. Reeser III', is written over a horizontal line.

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